

ESTTA Tracking number: **ESTTA21982**

Filing date: **12/22/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<b>Proceeding</b>	91162370
<b>Party</b>	Defendant De Beers LV Ltd De Beers LV Ltd 1 Silk Street GBX London, EC2Y 8HQ
<b>Correspondence Address</b>	Mark I. Peroff Kirkpatrick & Lockhart LLP 599 Lexington Avenue New York, NY 10022-6030
<b>Submission</b>	Answer
<b>Filer's Name</b>	Andrew T. Paredes
<b>Filer's e-mail</b>	aparedes@kl.com
<b>Signature</b>	/Andrew T. Paredes/
<b>Date</b>	12/22/2004
<b>Attachments</b>	DBLOGO.pdf ( 4 pages )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In the Matter of Application Serial No. 78/245,219*  
*Atty. Ref.: 0820278.0082*

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DeBoulle Diamond & Jewelry, Inc., :

Opposer, : Opposition No. 91162370

v. :

DeBeers LV Ltd., :

Applicant. :

-----X

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria VA 22313-1451

Attn.: BOX TTAB NO FEE

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicant, DeBeers LV Ltd., by its undersigned attorneys, hereby answers the allegations set forth in the "Notice of Opposition" as follows:

1. Applicant admits the allegations set forth in Paragraph No. 1 of the Notice of Opposition.
2. Applicant admits the allegations set forth in Paragraph No. 2 of the Notice of Opposition.

3. Applicant admits that it did not use the opposed mark in commerce prior to the filing date of the opposed application, but denies that it had no rights therein, or in elements thereof.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph No. 4 of the Notice of Opposition, and, therefore, denies said allegations.

5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph No. 5 of the Notice of Opposition, and, therefore, denies said allegations.

6. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph No. 6 of the Notice of Opposition, and, therefore, denies said allegations.

7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph No. 7 of the Notice of Opposition, and, therefore, denies said allegations.

8. Applicant admits that its DB LOGO application includes jewelry and timepieces in International Class 14, but denies the allegations set forth in Paragraph No. 8 of the Notice of Opposition,

9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph No. 9 of the Notice of Opposition, and, therefore, denies said allegations.

10. Applicant denies the allegations set forth in Paragraph No. 10 of the Notice of

Opposition.

11. Applicant denies the allegations set forth in Paragraph No. 11 of the Notice of Opposition.

12. Applicant denies the allegations set forth in Paragraph No. 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph No. 13 of the Notice of Opposition.

14. Applicant denies the allegations set forth in Paragraph No. 14 of the Notice of Opposition.

15. Applicant denies the allegations set forth in Paragraph No. 15 of the Notice of Opposition.

16. Applicant denies the allegations set forth in Paragraph No. 16 of the Notice of Opposition.

17. Applicant denies the allegations set forth in Paragraph No. 17 of the Notice of Opposition.

Respectfully submitted,

**DeBeers LV Ltd.**

Dated: December <sup>22</sup>2004

By:



Andrew T. Paredes

Mark I. Peroff

KIRKPATRICK & LOCKHART LLP

599 Lexington Avenue

New York, New York 10022-6030

Telephone: (212) 536-3900

*Attorneys for Applicant*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Answer to Notice of Opposition* was served on counsel for Opposer, David A. Harlow, Nelson Mullins Riley & Scarborough LLP, 4140 Parklake Avenue, GlenLake One, Second Floor, Raleigh, NC 27612, by depositing a true copy of the same with the United States Postal Service, first-class mail, postage prepaid, this 22nd day of December, 2004.

A handwritten signature in black ink, appearing to read 'A. Paredes', is written above a horizontal line.

Andrew T. Paredes